

INTERFERENCE DIGEST

Interference No. 105,608

Paper No.

Name: Michael J. Briskin et al.

Serial No.: 09/940,063

Patent No. 7,038,018, granted 05/02/06

Title: Antibodies and ligands for "BONZO" chemokine receptor

Filed: 08/27/01

Interference with Farber et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



PAPER NO.

UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Sally Gardner Lane
Telephone: 571-272-4683
Facsimile: 571-273-0042

Patentees: BRISKIN
Application No.: 09/940,063 now Patent No.
7,038,018, granted 05/02/06
Filed: 08/27/01
For: Antibodies and ligands for "BONZO" chemokine
receptor

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,608.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/SALLY GARDNER LANE/
Administrative Patent Judge

Paper 1

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Filed 7 February 2008

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MICHAEL J. BRISKIN,
KRISTINE E. MURPHY, ALYSON M. WILBANKS,
and LIJUN WU

Junior Party
(Patent 7,038,018),

v.

JOSHUA M. FARBER,
FANG LIAO, GHALIB ALKHATIB, and
EDWARD A. BERGER

Senior Party
(Application 10/458,110).

Patent Interference No. 105,608 (SGL)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)
4 and claims designated as corresponding or as not corresponding to the count(s) appear
5 in Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Sally Gardner Lane has been designated to manage
8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **2:00 p.m. on 8**
14 **April 2008** (the Board will initiate the call).

15 No later than **four business days** prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as Form 2
19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
20 the conference call and to agree on dates for taking action. A typical motion period
21 lasts approximately eight (8) months. Counsel should be prepared to justify any request
22 for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Michael J. Briskin
Lexington, MA

Kristine E. Murphy
Wakefield, MA

Alyson M. Wilbanks
Cambridge, MA

Lijun Wu
Reading, MA

Involved Patent: 7,038,018, issued 2 May 2006
from application 09/940,063, filed 27 August 2001

Title: ANTIBODIES AND LIGANDS FOR "BONZO" CHEMOKIN RECEPTOR

Assignee: **None**

Senior Party

Named Inventors: Joshua M. Farber
Washington, D.C.

Fang Liao
Taipei, Taiwan

Ghalib Alkhatib
Carmel, IN

Edward A. Berger
Rockville, MD

Involved Application: 10/458,110, filed 9 June 2003

Title: STRL33, A HUMAN FUSION ACCESSORY FACTOR ASSOCIATED WITH HIV INFECTION

Assignee: None

1 The senior party is assigned exhibit numbers 1001-1999. The junior party is
2 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party
3 is responsible for initiating settlement discussions. SO ¶ 126.1.

4

5 Part F. Count and claims of the parties

6 Count 1

7 Claim 7 of Farber.

8 The claims of the parties are:

9 Briskin: 1-60

10 Farber: 7 and 8

11 The claims of the parties which correspond to Count 1, and therefore are
12 involved in the interference, are:

13 Briskin: 1-9, 18-25, 34-42, 51, 58, and 60

14 Farber: 7 and 8

15 The claims of the parties which do not correspond to Count 1, and therefore are
16 not involved in the interference, are:

17 Briskin: 10-17, 26-33, 43-50, 52-57, and 59

18 Farber: None

19 The parties are accorded the following benefit for Count 1:

20 Briskin: US 09/449,437, filed 24 November 1999,
21 Issued as 6,319,675, granted 20 November 2001

23 Farber: US 09/402,275, filed 22 December 1999

24 US 60/042,880, filed 31 March 1997

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference, see
3 SO ¶ 106.1.1:

4 UNITED STATES PATENT AND TRADEMARK OFFICE

5 BEFORE THE BOARD OF PATENT APPEALS
6 AND INTERFERENCES

7 MICHAEL J. BRISKIN,
8 KRISTINE E. MURPHY, ALYSON M. WILBANKS,
9 and LIJUN WU

10 Junior Party
11 (Patent 7,038,018),

12 v.

13 JOSHUA M. FARBER,
14 FANG LIAO, GHALIB ALKHATIB, and
15 EDWARD A. BERGER

16 Senior Party
17 (Application 10/458,110).

18 Patent Interference No. 105,608 (SGL)
19 (Technology Center 1600)

20

21

22

23

24

25

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally Gardner Lane/
Administrative Patent Judge

Enc.

Copy of STANDING ORDER
Copy of U.S. Patent 7,038,018
Copy of claims of 10/458,110

Revised 3 January 2006

cc (via overnight delivery):

Counsel for BRISKIN:

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road
Concord, MA 01742-9133
Tel: 978-341-0036
Fax: 978-341-0136

Counsel for FARBR:

National Institute of Health
c/o NEEDLE & ROSENBERG, P.C.
999 Peachtree Street, Suite 1000
Atlanta, GA 30309
Tel: 678-420-9300
Fax: 678-420-9301